

Message

From: Martin, Donald W [Donald.W.Martin@wv.gov]
Sent: 4/12/2013 9:09:34 PM
To: pizarro, luis [pizarro.luis@epa.gov]
CC: charles.w.armstead@wv.gov
Subject: RE: MPM Silicones response
Attachments: TSCA - RCRA 100 questions 1983.pdf

Hello Luis,

While I understand that there may not be a RCRA connection to the MPM PCB issue (as noted on page 14 of the August 1983, PCB Regulations under TSCA EPA 100 Questions, I'm struggling with EPA's policy for a complete disconnect from PCBs disposed prior to 1978.

I'm trying to become better informed and have printed out the Standard Scrape Metal Company (TSCA Appeal # 87-4) and Rogers Corporation TSCA Appeal #98-1 and US Court of Appeals # 00-1542 decision 1/4/02 for some casual reading over the weekend to see if that helps.

My layman reading of parts of 40 CFR 761, including §761.50(b)(3)(i)(A), raises a couple of questions at this time;

- 1) What is the threshold required for the EPA Regional Administrator to inform the O/O that there is reason to believe an unreasonable risk is present and require data necessary to characterize the risk?
- 2) If the PCBs "disposed" prior to 1978 are subsequently disturbed after 1978, does that eliminate the EPA exemption provided in 761, and constitute "disposal" post-1978?

Since you're not the "TSCA person", who should we contact to further this issue and discussion?

Thanks for your assistance & enjoy the weekend,
Don Martin
304-926-0499, ext. 1275

From: Martin, Donald W
Sent: Wednesday, February 27, 2013 12:47 PM
To: Luis Pizarro
Cc: Charlie Armstead; Bill Wentworth
Subject: RE: MPM Silicones response

Here is the compilation from the submittal.
Thanks,
Don

From: Martin, Donald W
Sent: Wednesday, February 27, 2013 12:45 PM
To: Luis Pizarro
Cc: Charlie Armstead; Bill Wentworth
Subject: MPM Silicones response

Hi Luis,

I wanted to follow-up on our brief conversation yesterday about MPM and their response to the PCB Information request sent last fall, since it seems that we were both waiting on each other.

Attached is a memo outlining our thoughts concerning the site and the response. The referenced compilation of information used in formulating the memo is nearly 13 MB in size, so I might have to break it down & send it in two additional emails if it gets blocked during my initial attempt (we use to have a 10 MB cap/email).

Please let us know if you have any questions & thanks for your assistance.

Sincerely,

Don Martin

304-926-0499, ext. 1275